



DOCKET NO.: P0453.70116US01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sanghvi et al.
Serial No.: 10/821,809
Confirmation No.: 9063
Filed: April 8, 2004
For: COMBINATION THERAPY FOR CONSTIPATION

Examiner: Not Yet Assigned
Art Unit: 1614

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6 day of August, 2004.


Kristin J. Ketelhut

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

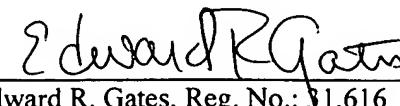
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Sanghvi et al., Applicant

By:


Edward R. Gates, Reg. No.: 31,616
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Docket No.: P0453.70116US01

Date: August 1, 2004

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Kristin J. Ketelhut
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MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 10/821,809
Conf. No.: 9063

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Art Unit: 1614

An early and favorable action is hereby requested.

Respectfully submitted,
Sanghvi et al., Applicant

By:

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Docket No.: P0453.70116US01

Date: August 2, 2004

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449/A and B (Modified)

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet	1	of	3	GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
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U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
A30	4,311,833			Namikoshi, <i>et al.</i>	01-19-1982
A31	4,377,568			Chopra, <i>et al.</i>	03-22-1983
A32	4,385,078			Onda, <i>et al.</i>	05-24-1983
A33	4,457,907			Porter, <i>et al.</i>	07-03-1984
A34	4,462,839			McGinley, <i>et al.</i>	07-31-1984
A35	4,518,433			McGinley, <i>et al.</i>	05-21-1985
A36	4,556,552			Porter, <i>et al.</i>	12-03-1985
A37	4,606,909			Bechgaard, <i>et al.</i>	08-19-1986
A38	4,615,885			Nakagame, <i>et al.</i>	10-07-1986
A39	4,670,287			Tsuji, <i>et al.</i>	06-02-1987
A40	4,857,833			Sherman, <i>et al.</i>	08-15-1999
A41	4,888,346			Bihari, <i>et al.</i>	12-19-1989
A42	5,426,112			Zagon, <i>et al.</i>	06-20-1995
A43	5,536,507			Abramowitz, <i>et al.</i>	07-16-1996
A44	5,567,423			Ying, <i>et al.</i>	10-22-1996
A45	5,591,433			Michael, <i>et al.</i>	01-07-1997
A46	5,597,564			Ying, <i>et al.</i>	01-28-1997
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A52	6,353,004	B1		Farrar, <i>et al.</i>	03-05-2002
A53	6,469,030	B2		Farrar, <i>et al.</i>	10-22-2002
A54	2001/0036951	A1		Farrar, <i>et al.</i>	11-01-2001

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
B22	AU	758,416			Arch Development Corp.	07-03-1999	
B23	CA	2,312,234			Arch Development Corp.	05-14-1999	
B24	DE	3,780,819					
B25	EP	1,047,726	A1		Quest International B.V.	07-22-1999	
B26	WO	99/22737	A1		Arch Development Corp.	05-14-1999	
B27	WO	04/043964	A2		Mallinckrodt	05-27-2004	

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/821,809	ATTY. DOCKET NO.: P0453.70116US01
				FILING DATE: April 8, 2004	CONFIRMATION NO.: 9063
				APPLICANT: Sanghvi et al.	
				GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
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OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C117	ALTIER et al., Opioid receptors in the ventral tegmental area contribute to stress-induced analgesia in the formalin test for tonic pain. <i>Brain Res.</i> 1996 Apr 29;718(1-2):203-6.	
	C118	BAKER et al., Functional effects of systemically administered agonists and antagonists of mu, delta, and kappa opioid receptor subtypes on body temperature in mice. <i>J Pharmacol Exp Ther.</i> 2002 Sep;302(3):1253-64.	
	C119	BASILISCO et al., Oral naloxone antagonizes loperamide-induced delay of orocecal transit. <i>Dig Dis Sci.</i> 1987 Aug;32(8):829-32.	
	C120	BASILISCO et al., Effect of loperamide and naloxone on mouth-to-caecum transit time evaluated by lactulose hydrogen breath test. <i>Gut.</i> 1985 Jul;26(7):700-3.	
	C121	BOWEN et al., Antagonism of the antinociceptive and discriminative stimulus effects of heroin and morphine by 3-methoxynaltrexone and naltrexone in rhesus monkeys. <i>J Pharmacol Exp Ther.</i> 2002 Jul;302(1):264-73.	
	C122	BOWEN et al., College on Problems of Drug Dependence 64th Annual Scientific Meeting. June 8-13, 2002. Quebec City, Quebec, Canada. Abstracts. <i>Drug Alcohol Depend.</i> 2002 May 1;66 Suppl 1:S1-220. Abstract No. 65.	
	C123	CARR et al., Naltrexone antagonizes the analgesic and immunosuppressive effects of morphine in mice. <i>J Pharmacol Exp Ther.</i> 1994 May;269(2):693-8.	
	C124	CHOI et al., Opioid antagonists: a review of their role in palliative care, focusing on use in opioid-related constipation. <i>J Pain Symptom Manage.</i> 2002 Jul;24(1):71-90. Review.	
	C125	CHOI et al., Inhibition of chemokine-induced chemotaxis of monkey leukocytes by mu-opioid receptor agonists. <i>In Vivo.</i> 1999 Sep-Oct;13(5):389-96.	
	C126	DE PONTI et al., Methylnaltrexone Progenics. <i>Curr Opin Investig Drugs.</i> 2002 Apr;3(4):614-20. Review.	
	C127	FLORES et al., Mechanisms of morphine-induced immunosuppression: effect of acute morphine administration on lymphocyte trafficking. <i>J Pharmacol Exp Ther.</i> 1995 Mar;272(3):1246-51.	
	C128	GILES et al., Quaternary opiate antagonists lower blood pressure and inhibit leucine-enkephalin responses. <i>Eur J Pharmacol.</i> 1983 Nov 25;95(3-4):247-52.	
	C129	HO et al., Suppression of immunological functions in morphine addicted mice. <i>NIDA Res Monogr.</i> 1986;75:599-602.	
	C130	KEHLET et al., Review of postoperative ileus. <i>Am J Surg.</i> 2001 Nov;182(5A Suppl):3S-10S. Review.	
	C131	KOSTEN et al., Naltrexone and morphine alter the discrimination and plasma levels of ethanol. <i>Behav Pharmacol.</i> 1999 Feb;10(1):1-13.	
	C132	KOSTIC, CAS Abstract Document No. 127: 13345, 1997.	
	C133	LI et al., Methadone enhances human immunodeficiency virus infection of human immune cells. <i>J Infect Dis.</i> 2002 Jan 1;185(1):118-22. Epub 2001 Dec 14.	
	C134	MACK, Paralytic ileus: response to naloxone. <i>Br J Surg.</i> 1989 Oct;76(10):1101.	
	C135	NEMETH-LEFKOWITZ et al., Research communication in Substances of Abuse (1980) 1(2): 177-83.	
	C136	PHAM et al., Drugs of Abuse: Chemistry, Pharmacology, Immunology and AIDS; National Institute of Drug Research 96: Monograph Series. U.S. Department of Health and Human Services; 1990.	
	C137	QUANG-CONTAGREL et al., Long-term methadone treatment: effect on CD4+ lymphocyte counts and HIV-1 plasma RNA level in patients with HIV infection. <i>Eur J Pain.</i> 2001;5(4):415-20.	
	C138	SAKURADA et al., Differential antagonism of endomorphin-1 and endomorphin-2 supraspinal antinociception by naloxonazine and 3-methylnaltrexone. <i>Peptides.</i> 2002 May;23(5):895-901.	
	C139	SANDNER-KEISLING et al., Pharmacology of opioid inhibition to noxious uterine cervical distension. <i>Anesthesiology.</i> 2002 Oct;97(4):966-71.	
	C140	SHAVIT et al., Effects of a single administration of morphine or footshock stress on natural killer cell cytotoxicity. <i>Brain Behav Immun.</i> 1987 Dec;1(4):318-28.	
	C141	SOLDANI et al., Central and peripheral involvement of mu receptors in gastric secretory effects of opioids in the dog. <i>Eur J Pharmacol.</i> 1985 Nov 19;117(3):295-301.	
	C142	STEINBROOK et al., An opioid antagonist for postoperative ileus. <i>N Engl J Med.</i> 2001 Sep 27;345(13):988-9.	

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/821,809	ATTY. DOCKET NO.: P0453.70116US01		
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				APPLICANT: Sanghvi et al.			
				Sheet	3	of	3

	C143	WEI et al., Abstracts of the 2002 Annual Meeting of the American Society for Clinical Pharmacology and Therapeutics. Atlanta, Georgia, USA. March 24-27, 2002. Clin Pharmacol Ther. 2002 Feb;71(2):P1-136.		
	C144	WILMORE et al., Can we minimize the effects of opioids on the bowel and still achieve adequate pain control? Am J Surg. 2001 Nov;182(5A Suppl):1S-2S.		
	C145	WYBRAN et al., Suggestive evidence for receptors for morphine and methionine-enkephalin on normal human blood T lymphocytes. J Immunol. 1979 Sep;123(3):1068-70.		
	C146	YUAN, Clinical Status of Methylnaltrexone, A New Agent to Prevent and Manage Opioid-Induced Side Effects. J Support Oncol. 2004 Mar/Apr; 2(2):111-22.		

EXAMINE R	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. ___, filed ___, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]